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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,110	11/18/2003	Masaki Matsumoto	024629-00007	3984
4372	7590	02/27/2008		
ARENT FOX LLP 1050 CONNECTICUT AVENUE, N.W. SUITE 400 WASHINGTON, DC 20036				
EXAMINER				
TARAE, CATHERINE MICHELLE				
ART UNIT		PAPER NUMBER		
3623				
NOTIFICATION DATE		DELIVERY MODE		
02/27/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DCIPDocket@arentfox.com

IPMatters@arentfox.com

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Office Action Summary

Application No.

10/715,110

Applicant(s)

MATSUMOTO ET AL.

Examiner

C. Michelle Tarae

Art Unit

3623

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date 4/6/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The following is a Non-Final Office Action in response to the communication received on November 18, 2003. Claims 1-8 are now pending in this application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3 and 5-7 are rejected under 35 U.S.C. 102(a,e) as being anticipated by Sakayori et al. (U.S. 2002/0002516).

As per claim 1, Sakayori et al. discloses a production plan management system comprising:

a received-order database in which received-order information that contains the number of orders for parts from a customer is registered (paragraphs 37-38, 120 and 145; Figure 4; Information relating to the ordering of parts is written to a database.);

a shipping-record database in which shipping-record information that indicates the number of shipping records for said parts is registered (paragraphs 35, 141 and

144; Information relating to the delivery (i.e., shipment) of parts in accordance with an order is written to a database.); and

a production-plan-management apparatus that manages the production plan for parts based on said received-order information and said shipping-record information (paragraphs 43 and 122; A production plan is managed by comparing the received order data with a planned production date.).

As per claim 2, Sakayori et al. discloses the production plan management system of claim 1 wherein said production-plan-management apparatus comprises:

a production-plan-creation-function unit that creates a corrected-production plan that gives a corrected-production plan list based on a changed specified delivery date when said specified delivery date for delivery to said customer is changed (paragraphs 122-123; A production plan and delivery date may be changed in order to meet an order requirement.); and

a comparison-function unit that obtains and compares information for the same part from the received-order information registered in said received-order database and said registered shipping-record information, after shipping-record information for a part that is produced based on said production order and corrected-production order is registered in said shipping-record database (paragraphs 120-123; A comparison is made to determine whether an order is new, a modification to an existing order or a duplicate of an existing order.).

As per claim 3, Sakayori et al. discloses the production plan management system of claim 2 further comprising an additional-production-order-issuing-function unit that

calculates the comparison result from said comparison-function unit, and issues an additional-production order for a part that has no shipping record when the number of said received orders is greater than the number of shipping records (paragraphs 120-121).

Claims 5-7 recite the corresponding production plan management method to the production plan management system of claim 1-3 above. Therefore, claims 5-7 are rejected on the same basis as claims 1-3 above.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakayori et al. (U.S. 2002/0002516), as applied above.

As per claim 4, Sakayori et al. does not expressly disclose the production plan management system of any of the claims 1 to 3 wherein said parts are the friction pads and shoes of a brake part that require friction material. However, these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific data. Further, the

structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP, 2106. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to apply the part production planning system of Sakayori et al. to automobile parts as automobile manufacturing is another industry in which part production management is needed and the part production planning system of Sakayori et al. provides for real-time part production management, thereby enhancing the part production management of any parts needing to be made (see Sakayori et al., abstract).

Claim 8 recites the corresponding production plan management method to the production plan management system of claim 4 above. Therefore, claim 8 is rejected on the same basis as claim 4 above.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Miyahara et al. (U.S. 6,711,449) discusses a part production management system;
- Armington et al. (U.S. 6,877,297) discusses a part production management system;

- Morscheck et al. (U.S. 6,076,080) discusses an order management system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Tarae whose telephone number is 571-272-6727. The examiner can normally be reached Monday – Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 571-272-6729.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/C. Michelle Tarae/
Primary Examiner, Art Unit 3623

February 18, 2008